

# Business Opportunities

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## Contract Procurement

### **NCTA Policy on Potential Conflicts of Interest and/or Perceived Bid Advantage For Consulting Engineers, and/or Professional Service Providers**

Any consultant engineers or professional service providers under contract, or previously under contract, to the NCTA and/or the NCDOT to prepare preliminary plans, planning reports, design-build bid packages or preconstruction activities of any significant magnitude for a project will not be allowed to participate in any capacity with the Design-Build Team selected to design and construct the project.

Any consultant engineer or professional service provider under contract, or previously under contract, which is performing or has performed work as an extension of the Turnpike Authority, such as planning, design, right-of-way assessment/acquisition, utility coordination or construction engineering and inspection will not be permitted to participate, in any capacity, on any Design-Build Project for which services were or will be provided. Additionally, such firms shall refrain from distributing any information related to Turnpike Authority projects which may prejudice the contract procurement process by providing unequal opportunities to a prospective bidder.

Additionally, the following conflicts in regard to Design-Build contracts shall be avoided:

- Consultant engineering firms performing lead design functions as part of the Design-Build Team will not be permitted to participate as CEI (quality control) for the same Design-Build contract.
- Consultant engineering firms performing surveying/ construction layout for the Design-Build Team will not be permitted to participate as CEI (quality control) for the same Design-Build contract.

Exceptions to this policy, when requested by a firm, may be granted if it is determined that the firm's involvement does not constitute a conflict of interest or an unfair bid advantage or perceived bid advantage. Any request for exceptions should be addressed, in writing, to the NCTA Chief Engineer.

## **Ethics Policy**

Employees employed by the Design-Build Team or employees employed by any subconsultant for the Design-Build Team to provide services shall comply with the North Carolina Turnpike Authority's ethics policy. Failure to comply with the ethics policy will result in the employee's removal from the project and may result in removal of the Company from the listing of Registered Qualified Engineering Firms.

## **Approval Of Personnel**

The Authority will have the right to approve or reject any personnel, assigned to a project by the Design-Build Team.

The Design-Build Team or any subcontractor for the Design-Build Team which is employed to provide services for this project shall not discuss employment opportunities or engage the services of any person or persons, now in the employment of the State during the time of this contract, without written consent of the State.

In the event of engagement, the Design-Build Team or its subcontractors shall restrict such person or persons from working on any of the Design-Build Team's contracted projects in which the person or persons were "formerly involved" while employed by the State. The restriction period shall be for the duration of the contracted project with which the person was involved.

Former Involvement shall be defined as active participation in any of the following activities:

- Drafting the contract

- Defining the scope of the contract
- Selection of the Design-Build Team
- Negotiation of the cost of the contract (including calculating manhours or fees); and
- Administration of the contract.

An exception to these terms may be granted when recommended by the Chairman and approved by the Board of Directors.

Failure to comply with the terms stated above in this section shall be grounds for termination of this contract and/or not being considered for selection of work on future contracts for a period of one year.